

### REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated April 6, 2004, claims 1-26 are pending in the application. Claims 10-17 and 25-26 are allowable. Claim 24 is allowable if rewritten in independent form. Claim 23 has been canceled, and claim 24 has been rewritten in independent form. Applicants respectfully request the Examiner to reconsider the rejections.

The specification stands objected to for some informalities. Applicants have rewritten page 6, line 19, to refer to beam 30, not beam 20. Applicants have also rewritten page 7, lines 1 and 2, to refer to beam 30', not beam 30.

Claim 4 stands objected to for a lack of antecedent basis for not including a communications platform. Applicants have changed the dependency of claim 4 to claim 3, and therefore believes that this rejection is overcome.

Claim 18 has been amended to depend from claim 10 rather than claim 1.

Claim 1 stands provisionally rejected under the judicially created doctrine of obvious-type double patenting over claim 6 of co-pending application no. 09/661,726. Applicants note that the issue fee was paid on April 27, 2004 for this application. Applicants have also amended claim 1 to recite that, "when an interference occurs between the first beam and the second beam, reassigning a code to the first beam from a plurality of code bins." Applicants respectfully submit that this is not taught or suggested in the previous application and therefore the obviousness type double patenting rejection should be withdrawn.

Claims 1-3, 5-9, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Diekelman* (5,612,701) in view of *Ganuchau, Jr.* (6,529,740). Applicants have amended claims 1 and 2 to include that reassigning a second code to the first beam is performed "from a plurality of code bins." Claim 2 has also been amended to recite a similar limitation. Applicants respectfully submit that this limitation is not taught or suggested in

either the *Diekelman* reference or the *Ganuchau, Jr.* reference. The *Diekelman* reference does not refer to CDMA and code bins. The Examiner acknowledges that the *Diekelman* reference does not teach or suggest CDMA. The *Ganuchau, Jr.* reference teaches CDMA. However, the *Ganuchau, Jr.* reference does not teach or suggest reassigning codes due to an interference.

Claims 3 and 5-9 ultimately depend from claim 2 and should be allowable for the same reasons set forth above. Applicants respectfully request the Examiner to reconsider this rejection as well.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Diekelman* and *Ganuchau, Jr.* in further view of *Wang* (6,567,052). Applicants respectfully submit that claim 4 now depends from claim 3 which depends from claim 2. Applicants respectfully submit that the *Wang* reference also does not teach or suggest the missing elements of the present application.

Claims 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Diekelman* and *Ganuchau, Jr.* as applied to claims 1-3 and 5 above in further view of *Madkour* (6,574,270). Claims 19 and 20 depend from claim 2 and are believed to be allowable for the same reasons set forth above. Applicants therefore respectfully request the Examiner for reconsideration of claims 19 and 20.

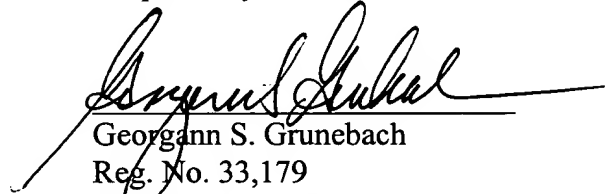
Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Diekelman* and *Ganuchau, Jr.* as applied to claims 1-3 and 5 above in further view of *Chuprun* (6,591,084). The *Chuprun* reference also does not teach or suggest the limitations missing from amended claim 2. Applicants therefore respectfully request the Examiner to reconsider claims 21 and 22.

Claim 24 has been amended in independent form and is now believed to be allowable.

In light of the above amendments and remarks, Applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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